

REMARKS

Claims 1-40 are pending in this application. Claims 1-40 are rejected by the Office.

Drawing Objection

Figure 1 has been amended to reflect the legend of "Prior Art." Replacement sheet and Annotated figure attached.

Specification Objection

The Specification has been amended to reflect serial numbers of the corresponding applications.

Claim Rejections

35 U.S.C. § 102(b)

The Office has improperly rejected claims 1-40 under 35 U.S.C. 102(b) as being anticipated by Saleh (U.S. Patent No. 6,212,391 B1).

The Office has misconstrued the present application as simply a method of locating a mobile rather than collecting test and measurement data used in testing the system. All the claims include and are directed to a method of collecting test and measurement data." The Office has provided nothing but methods of collecting measurement data and in doing so has given no weight to the term "Test". As such all the rejections are improper as no testing is disclosed in Saleh. Therefore, the rejection to Claims 1-40 are improper and must be withdrawn.

Notwithstanding, the improper discounting of a claim term noted above, the Office has also failed to meet numerous other limitations in the claims as set forth below.

Claim 1 recites *inter alia*:

- (c) once a transmitting mobile appliance is detected, determining if the quality of the signal reception from the transmitting mobile appliance is acceptable;
- (d) selecting a set of the plural base stations in the vicinity of the transmitting mobile-appliance;

The Office incorrectly asserts that step (c) is shown in Saleh and cites as a basis Step 907 of Figure 9 as a basis. There is no support in Saleh for such an assertion. Saleh discloses the exchange of measurement data between a base station and a mobile station in a mobile assisted location method. The only measurements disclosed are those of TDOA, TOA or AOA. Saleh recites:

- “d) BSS [117] 717 requests signal information from MS 702 in a signal Request (RIL3-RR) message 907 from BSS [117] 717 to MS 702.
- e) BSS 717 responds to MSC 719 with a Position Mobile Indication message 909 from BSS 717 to MSC 719.
- f) MS 702 performs signal measurements, such as TDOA, TOA, or AOA, and returns a TDOA Response (RIL3-RR) message 911 from MS 702 to BSS 717.”

Nowhere in the referenced text does is a disclosures of determining if the quality of the signal reception is acceptable. Furthermore, Step 907 is a request from the base station to the mobile to take positioning measurements, which the mobile performs and returns in step 911. Positioning measurements are not quality measurements.

The disclosure of Saleh does not disclose step (c) much less does the portion relied upon by the Office. Therefore absent such a showing the rejection of Claim 1 is improper.

The Office also asserts that step (d) is shown in Saleh and cites 131, 141 of Figure. 2 and Col. 4, ll. 7-14 as a basis. However, there is no disclosure of selecting a set of plural base station in Saleh and therefore can in no matter anticipate Claim 1.

Likewise as claims 2-11 depend from Claim 1, their rejection is also improper, irrespective of the additional patentable subject matter recited therein. Furthermore, the Offices rejection of Claim 11, is even more disturbing since, no support has been proffered nor can it be found in Saleh for the limitations of Claim 11. Rather, the whole methodology described in Saleh is bases on a request for location, so to suggest that the method is aborted upon such a request, shows a total disregard for the teaching of Saleh and/or the claim elements in the present application. The rejections must be withdrawn.

The Office suggests that “the improvement comprising collecting forward and reverse data with equipment installed at the base stations only” as recited in Claim 12 is found in Saleh and cites as a basis (Col. 3, l. 35-Col. 4, l. 58 and Col. 5, l. 55-Col. 6. l. 25 and Figures 1-6). There is no basis for the Office’s claim. The LDE in Saleh receives only MS (uplink) data. Saleh states:

“Location calculator (LC) 121 is a process that is part of Mobile Positioning Register (MPR) 111 that calculates the final location of MS 102 based on signal measurements captured by the Location Determination Equipment (LDE) 113...Location Determination Equipment (LDE) 113 to measure certain aspects of MS radio signal, such as TDOA, TOA, and AOA. LDE 113 comprises a hardware and/or software element that collects signal measurements, such as Time Difference of Arrival (TDOA), Time of Arrival (TOA), and Angle of Arrival (AOA), of a specific MS 102. Col. 4 ll. 39-66.

“LDE 113 measures the signal transmitted by MS 102 to determine aspects of the MS’s signal such as TDOA, TOA, or AOA.” Col. 5, ll. 6-8.

The only communication the LDE has with the Base station are requests messages and response messages, which can in no matter be manipulated to meet the claim element of a forward link (downlink).

Furthermore the only entities that receive or collect forward (downlink) signals are the MS. Saleh states:

“The MS gathers TDOA or TOA measurements from multiple BTS sites in the network.” (Col. 8, ll. 54-56)

The Mobile Station is clearly not located at the Base Station. Therefore, as was the case for Claim 1, Saleh cannot anticipate Claim 12, since it fails to disclose “collecting forward and reverse data with equipment installed at the base stations only. The rejection must be withdrawn.

Likewise as claims 13-17 depend from Claim 12, their rejection is also improper, irrespective of the additional patentable subject matter recited therein.

Claim 24 recites inter alia:

“selecting a probe area and tasking a probe geo-location sensor associated with the probe area to search for an active mobile appliance operating within the probe area;

selecting a probe mobile appliance from the probe area;”

There is absolutely no support for such a limitation in Saleh. Location requests are originated by a MS or by a GSM SCF, and are related to a specific mobile. There is no disclosure for selecting a probe area and then selecting a mobile appliance in that probe area.

Saleh states:

“MS 102 requests its position from network 100 in a Position Request (DTAP) message 301 from MS 102 to MSC119.”
Col. 5, ll. 62-64

And,

“Emergency GSMSCF 103 requests MSC 119 to position MS 102 in a RequestREportBCSMEEvent (location) message 501 from Emergency GSMSCF 103 to MSC 119.” Col. 7, ll. 17-20.

Where is the selection of a Probe area? Where is the selection of a MS from the probe area? The rejection is improper and must be withdrawn.

Likewise as claims 25-29 depend from Claim 24, their rejection is also improper, irrespective of the additional patentable subject matter recited therein.

Claim 30 recites inter alia:

“collecting test and measurement information with the geo-location system when the geo-location system is in an otherwise idle state”

It is only through the regular operation of the Geolocation system disclosed in Saleh that any measurements are collected and thus collection of measurement data is not possible in Saleh with the geolocation system in idle. This rejection is improper and must be withdrawn.

Likewise as claims 31-40 depend from Claim 30, their rejection is also improper, irrespective of the additional patentable subject matter recited therein.

Further more, much like Claim 11, Claim 31 recites “wherein the collecting of test and measurement information is aborted when the geo-location system is no longer in the idle state”. How then does Saleh, which discloses collecting measurement data in its function of geolocation ever collect data, since its activation necessarily, would cause it to abort? Again, the Office has failed to understand the test data component of the present claims.

Conclusion

The Office has not given weight to recited claims term “test” as required and thus all the rejections are improper. Furthermore, the disclosure of Saleh as discussed above does not meet all the elements of the recited claims and thus cannot form the basis of an anticipation rejection.

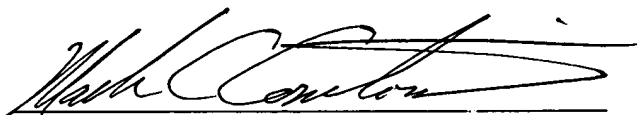
The Applicant request withdrawal of the rejections and allowance of the application including Claims 1-40. The Applicant also requests that if the Office persists in these rejections, the Office should provide an element by element correspondences as required in MPEP 2131.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic or in-person interview would advance the prosecution of the Application.

Application Serial No. 10/531,042
Art Unit No.: 2617
Office Action Dated May 22, 2006
Amendment Dated August 22, 2006

Although a fee is not deemed necessary, the Office is hereby requested and authorized to charge any fee required to enter the instant amendment against Deposit Account No. **04-1679** to Duane Morris LLP.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'Mark C. Comtois', is written over a horizontal line.

Mark C. Comtois	Reg. No. 46, 285
D. Joseph English	Reg. No. 42,514
Patrick D. McPherson	Reg. No. 46, 255

DUANE MORRIS LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: August 22, 2006

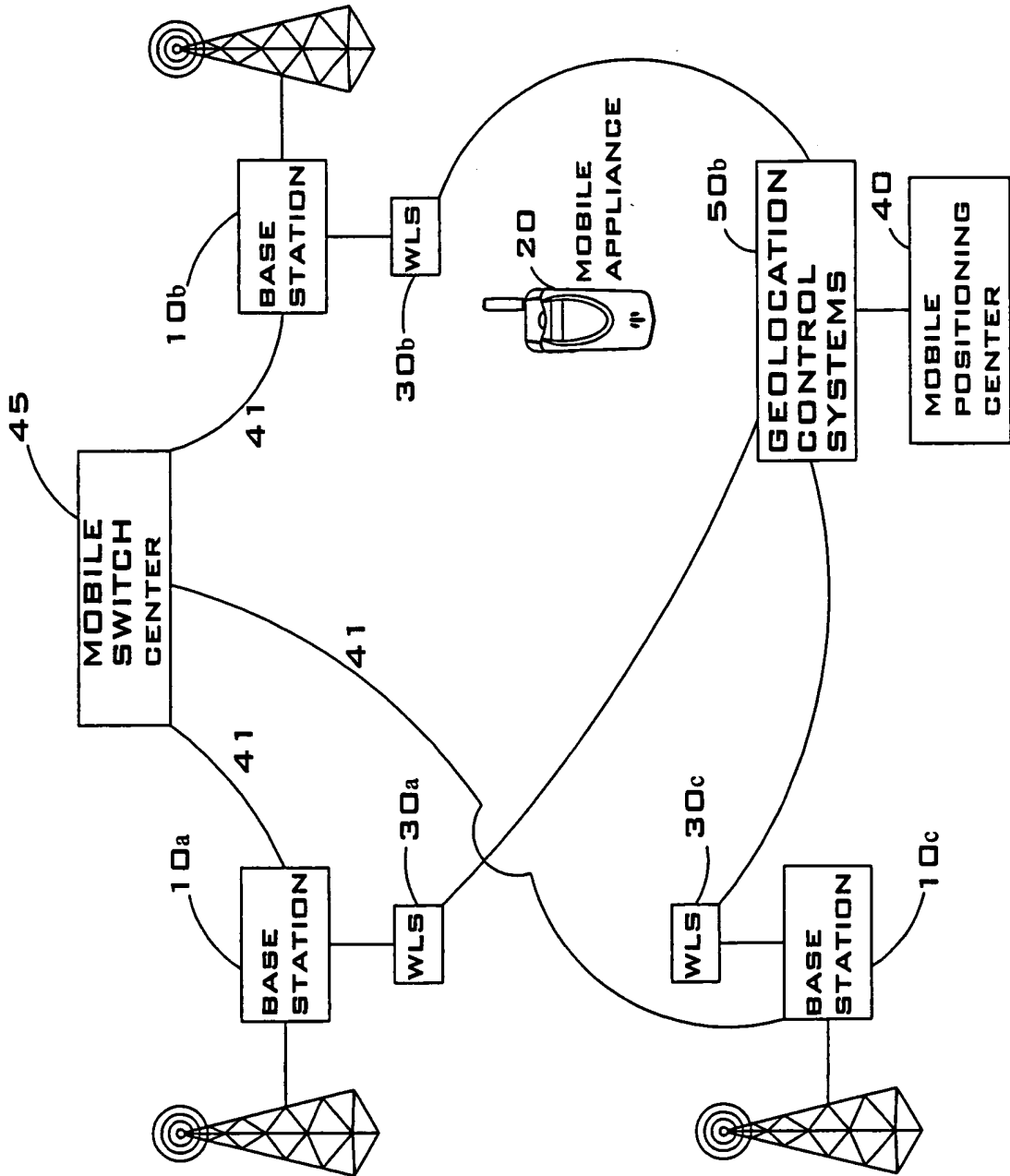


FIGURE 1

PRIOR ART